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13
14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 Michele Cruz,

17 Plaintiff,

18 v.

19 United States of America;
20 DOES I-X; and
21 ROE Corporations I-XX, inclusive,
22 Defendants.

23 Case No. 2:20-cv-00237-JAD-EJY

24 **Order Substituting United States in place**
of John Kirk as FTCA Defendant

25 ECF No. 8

26 The Court, having been apprised that Nicholas A. Trutanich, the United States Attorney
27 for the District of Nevada, an authorized representative of the Attorney General of the United
28 States of America, has certified that defendant John Kirk (“Kirk”) was acting within the course
and scope of his federal employment or office at the time of the incident that gives rise to
Plaintiff’s Amended Complaint, and having been apprised of the substitution of the United States
of America in place of Kirk pursuant to 28 U.S.C. § 2679(d)(1),

29 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Kirk is dismissed
30 from this action on the grounds that the exclusive remedy for such tort claims is an action against
31 the United States of America, and the United States of America has been substituted for Kirk as
32 defendant in this case, pursuant to 28 U.S.C. §§ 2679(b)(1), (d)(1).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the caption of this action is and shall hereafter be modified as shown above to reflect the substitution of the United States of America in place of Kirk.

UNITED STATES DISTRICT JUDGE

DATED: 4-5-2021